

## REMARKS/ARGUMENTS

### **1.) Claim Amendments**

The Applicant has amended claims 3, 4, 14 and 16; no new subject matter has been added. Claims 1-21 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Priority**

The Examiner acknowledged Applicant's claim for foreign priority, but noted that a certified copy of the priority application has not been submitted. The Applicant submits herewith a copy of the 1<sup>st</sup> page of the certified copy of the priority application, Swedish application 9802059-7, filed on June 10, 1998. A complete certified copy will be mailed to the USPTO via regular mail.

### **3.) Allowable Subject Matter**

The Examiner objected to claims 3, 5-11, 14 and 16-21 as being dependent upon rejected base claims, but indicated those claims would be allowable if rewritten in independent form, including the limitations of their respective base claim and any intervening claims. The Applicant thanks the Examiner for the indication of allowable subject matter.

The Applicant has amended claim 3 to include the limitations of claim 1 and intervening claim 2; accordingly, claim 3 is now allowable. The Applicant has also amended claim 14 to include the limitations of claim 12 and intervening claim 13; accordingly, claim 14 is now allowable. Furthermore, whereas claims 4-11 and 15-21 are dependent from claims 3 and 14, respectively, and include the limitations thereof, those claims are also now allowable. Accordingly, claims 3-11 and 14-21 are now allowable.

**4.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner rejected claims 1, 2, 4, 12, 13, 15 and 22 as being unpatentable over Williams (US 5,886,749) in view of Liu, et al. (US 5,671,168). The Applicant, again, traverses the claim rejections.

First, claims 4 and 15 have been amended to depend from claims 3 and 14, respectively. Whereas claims 3 and 14 are allowable, the rejection of claims 4 and 15 as being unpatentable over Williams in view of Liu is now moot.

Second, the Examiner responded to Applicant's previously-submitted arguments by stating that "[t]he Examiner contends that Williams does in fact meet the limitation of selecting a range of discrete Fourier transform bins around the center of the channel" (emphasis added). The Examiner, however, stated in the prior Office Action, dated March 7, 2006, that "Williams fails to disclose the selection of fourier [sic] transform bins around the center frequency." (emphasis added; Page 4, line 5). Furthermore, even in the present Office Action, the Examiner states that "Williams fails to disclose the selection of Fourier transform bins around the center frequency." (emphasis added; Page 3, Section 5, line 8). The Examiner's arguments, therefore, are internally inconsistent.

In the prior Office Action, the Examiner's reasons for her claim rejections stated that Williams failed to disclose a limitation in claims 1 and 12. Based on the Examiner's statement, the Applicant submitted remarks traversing the rejection. In responding to Applicant's arguments in the present Office Action, the Examiner states that Williams "does in fact" meet the claim limitation. The Examiner, however, fails to point to any teaching in Williams of that claim limitation. Furthermore, later in the present Office Action, the Examiner again contradicts herself by again stating that Williams fails to disclose that claim limitation. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness of claims 1 and 12. Furthermore, whereas claims 2 and 13 are dependent from claims 1 and 12, respectively, and include the limitations thereof, the Examiner has also failed to establish a *prima facie* case of obviousness of those claims.

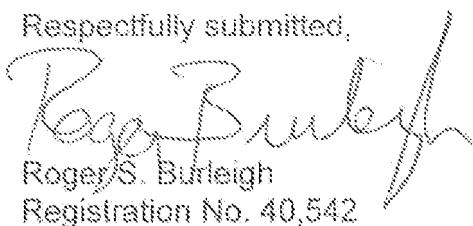
Appl. No. 09/731,775  
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Reply to Office action of August 23, 2006  
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### CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance claims 1-21.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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